

MESSAGE NO: 6118302 MESSAGE DATE: 04/27/2016

MESSAGE STATUS: Active CATEGORY: Antidumping  
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐  
SUB-TYPE: ALIWE-Auto Liq Exception

FR CITE: 81 FR 20324 FR CITE DATE: 04/07/2016

REFERENCE MESSAGE # (s): 5002303, 5079307, 5090304,  
5245301, 5273303, 5287308

CASE #(s): A-583-853

EFFECTIVE DATE: 04/07/2016 COURT CASE #:

PERIOD OF REVIEW: 07/31/2014 TO 01/31/2016

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Automatic Liq. instr. for modules/laminates/panels produced in third countries (multiple case nos.) from crystalline photovoltaic products from Taiwan (A-583-853) for the period 07/31/14 - 01/31/16

1. Commerce does not automatically conduct administrative reviews of antidumping duty orders. Instead, reviews must be requested pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended, and in accordance with 19 CFR 351.213.
2. As discussed in paragraphs 2 and 3 of Message No. 5090304, dated 03/31/2015, paragraphs 2 and 3 of Message No. 5245301, dated 09/02/2015, paragraphs 2 and 3 of Message No. 5273303, dated 09/30/2015, and paragraphs 2 and 3 of Message No. 5287308, dated 10/14/2015, Commerce considers modules, laminates, and panels produced in a third-country other than the People's Republic of China (PRC) from subject crystalline silicon photovoltaic cells produced in Taiwan to be covered by the scope of the antidumping duty order on crystalline silicon photovoltaic products from Taiwan (A-583-853) . However, modules, laminates, and panels produced in Taiwan from cells produced in a third-country are not covered by the scope of this order. Since importers may import modules, laminates, and panels produced in a third country from subject solar cells produced in Taiwan, third-country case numbers have been established to allow such merchandise to be properly claimed as subject merchandise upon entry.
3. Commerce has not received a request for an administrative review of the above-referenced antidumping duty order on Taiwan with respect to third-country firms or Taiwan firms related to third-country company-specific case numbers for the period and on the merchandise identified below except for the firms listed in paragraph 4. Therefore, in accordance with 19 CFR 351.212(c) , you are to liquidate all entries of modules, laminates, or panels that were produced in a third country from subject solar cells produced in Taiwan, entered, or withdrawn from warehouse, for consumption during the period 07/31/2014 through 01/31/2016 and entered under all third-country case numbers related to case A-583-853, except those entries referenced in paragraphs 4 and 7, and assess antidumping duties on merchandise entered, or withdrawn from warehouse, for consumption at the cash deposit or bonding rate in effect on the date of entry.

Liquidate all entries for the following firms:

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Country: United Kingdom  
Case Number: A-412-993

Country: Switzerland  
Case number: A-441-990

Country: Philippines  
Case Number: A-565-990

Country: Republic of Korea  
Case Number: A-580-993

Country: India  
Case Number: A-533-993

Country: Italy  
Case Number: A-475-993

Country: France  
Case Number: A-427-993

Country: Canada  
Case Number: A-122-993

Country: Malaysia  
Case Number: A-557-991

Country: Thailand  
Case Number: A-549-993

Country: Vietnam  
Case Number: A-552-993

Country: Singapore  
Case Number: A-559-990

Country: Mexico

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Case Number: A-201-993

4. Entries of merchandise by the firms listed below should not be liquidated until specific instructions are issued. Continue to suspend liquidation of all merchandise exported by the firms listed below, entered, or withdrawn from warehouse, for consumption during the period 07/31/2014 - 01/31/2016.

Country: Canada

Exporter: Motech Industries, Inc.

Case Number: A-122-993-001

Entries may have also entered under case number A-122-993-000.

Country: Canada

Exporter: Gintech Energy Corporation

Case Number: A-122-993-002

Entries may have also entered under case number A-122-993-000.

Country: Malaysia

Exporter: Motech Industries, Inc.

Case Number: A-557-991-001

Entries may have also entered under case number A-557-991-000.

Country: Mexico

Exporter: Gintech Energy Corporation

Case Number: A-201-993-001

Entries may have also entered under case number A-201-993-000.

Country: Mexico

Exporter: Motech Industries, Inc.

Case Number: A-201-993-002

Entries may have also entered under case number A-201-993-000.

Country: Singapore

Exporter: Motech Industries, Inc.

Case Number: A-559-990-001

Entries may have also entered under case number A-559-990-000.

Country: Thailand

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Exporter: Motech Industries, Inc.

Case Number: A-549-993-001

Entries may have also entered under case number A-549-993-000.

Country: Vietnam

Exporter: Motech Industries, Inc.

Case Number: A-552-993-001

Entries may have also entered under case number A-552-993-000.

5. There are no injunctions applicable to the entries covered by this instruction.

6. If a bond or cash deposit was collected as security for an estimated antidumping duty for any shipment of merchandise described in paragraph 2 that was entered, or withdrawn from warehouse, for consumption during the period 07/31/2014 through 01/31/2016, assess antidumping duty liabilities equal to the amount resulting from the application of paragraph 2 or equal to the amount of the bond or cash deposit, whichever is less.

7. Entries for the period 01/27/2015 through 02/09/2015 should be liquidated via message 5079307, dated 03/20/2015.

8. The notice of the lifting of suspension of liquidation for entries of subject merchandise covered by paragraph 3 occurred with the publication of the initiation of administrative review for the 02/2016 anniversary month (81 FR 20324, 04/07/2016). With the exception of modules, laminates and panels produced in the PRC from crystalline silicon photovoltaic cells produced in Taiwan, which are subject to the antidumping and countervailing duty orders covering modules, laminates and/or panels assembled in the PRC consisting of crystalline silicon photovoltaic cells produced in a customs territory other than the PRC, as instructed in message number 5002303, dated 01/02/2015, unless instructed otherwise, for all other shipments of modules, laminates, and panels produced in a third country from subject solar cells produced in Taiwan, you shall continue to collect cash deposits of estimated antidumping duties at the current cash deposit rates.

9. The assessment of antidumping duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated antidumping duties. The interest provisions are not applicable to cash or bonds posted as estimated antidumping duties before the date of publication of the antidumping duty order. Interest shall be calculated from the date payment of estimated antidumping duties is required through the date of liquidation. The rate at which such interest is

payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

10. Upon assessment of antidumping duties, CBP shall require that the importer provide a reimbursement statement, as described in section 351.402(f)(2) of Commerce's regulations. The importer should provide the reimbursement statement prior to liquidation of the entry. If the importer certifies that it has an agreement with the producer, seller, or exporter, to be reimbursed antidumping duties, CBP shall double the antidumping duties in accordance with the above-referenced regulation. Additionally, if the importer does not provide the reimbursement statement prior to liquidation, reimbursement shall be presumed and CBP shall double the antidumping duties due. If an importer timely files a protest challenging the presumption of reimbursement and doubling of duties, consistent with CBP's protest process, CBP may accept the reimbursement statement filed with the protest to rebut the presumption of reimbursement.

11. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OIV: TEM.)

12. There are no restrictions on the release of this information.

Alexander Amdur

## Company Details

\*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party